

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. THE PRIOR ART REJECTIONS

Claims 36, 39, 41-45, 48-53, 55-60 and 64-71 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2002/0039892 to Lindell in view of U.S. Publication 2003/0083069 to Vadgama. Claim 46 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2002/0039892 to Lindell in view of U.S. Publication 2003/0083069 to Vadgama and further in view of U.S. Publication 2002/0046292 to Tennison et al. Claim 47 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2002/0039892 to Lindell in view of U.S. Publication 2003/0083069 to Vadgama and further in view of U.S. Publication 2003/0156580 to Abraham et al. All prior art rejections are respectfully traversed for at least the following reasons.

B. PATENTABILITY OF THE CLAIMS

Independent claims 36 and 70 require determining (or means for determining), in said terminal, for each access selection and the respective access network therefor, a utilization factor ρ for at least one node. Similarly, independent claims 60 and 71 require determining (or a second unit configured to determine) for each access selection and the respective access network therefor, a utilization factor ρ for at least one access point.

The office action properly concedes that U.S. Publication 2002/0039892 to Lindell does not expressly teach determining a utilization factor for at least one node. Indeed, as explained below, Lindell is preoccupied with selecting an access network based first on service requirements and then on personal preferences, but does not take into consideration a utilization factor on a per node basis.

Lindell ¶3 mentions monitoring of “current traffic load” for determining current radio link conditions. This indicates that Lindell not take into account the load of a specific node as claimed, but instead the cell load that the UE experiences from all the traffic in the cell. Thus Lindell does not disclose a method that takes account both radio quality expressed in estimated bitrate and the load on a per node basis, but only considers the radio perspective and not the load on the node per se.

The alleged combination with Vadgama is improper and unavailing since Vadgama only relates to cell selection within one radio access network. Lindell’s selection is at a network level (inter-network), Vadgama’s selection is of cells within a network (intra-network). Neither reference teaches using both a network criteria (radio link quality) and a node-specific criteria (node utilization factor).

C. INFORMATION DISCLOSURE

The undersigned advises of the simultaneous filing of an Information Disclosure Statement (IDS) to call attention to US Patent 6,430,276 to Bouvier. The Examiner is also reminded of the Information Disclosure Statement (IDS) filed on February 22, 2010. it is respectfully requested that the information of both IDSes be considered and made of record.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
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